



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JRE  
Docket No: 6661-00  
20 December 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: FORMER [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149  
(2) Cdr, NavHosp, Great Lakes ltr 6320 NH-015, Ser: 5796b, 29 Sep 00  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show that he was received a reenlistment code other than RE-4, so that he may reenlist.

2. The Board, consisting of Ms. Moidel and Messrs. McCulloch and Rothlein, reviewed Petitioner's allegations of error and injustice on 30 November 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner served on active duty from 11 April to 8 May 1988, when he was discharged by reason of failure of medical/physical procurement standards because of residuals of a fractured arm with retained hardware. He was assigned a reenlistment code of RE-4.

d. In correspondence attached as enclosure (2), the Commander, Naval Hospital Great Lakes advised a United States congressman that as Petitioner had received a waiver of physical disqualification in order to enlist, he should have been referred to a medical evaluation board prior to separation. The hospital commander recommended that Petitioner's

reenlistment code be changed.

**CONCLUSION:**

Upon review and consideration of all the evidence of record, the Board finds that Petitioner should have been referred to a medical evaluation board prior to his discharge. It believes that a medical evaluation board would have determined that he did not meet the minimum physical standards for enlistment, and that his condition was not incurred in or aggravated by his brief period of service. Had that occurred, the ultimate disposition of his case would have been the same, i.e., separation without entitlement to disability benefits administered by the Department of the Navy. The Board concludes, however, that in view of the contents of enclosure (2), it would be in the interest of justice to amend the reason and authority for Petitioner's discharge, and correct his reenlistment code.


**RECOMMENDATION:**

a. That Petitioner's naval record be corrected to show that he was discharged from the Navy on 8 May 2000 by reason of Secretarial Authority, and assigned a reenlistment code of RE-1.

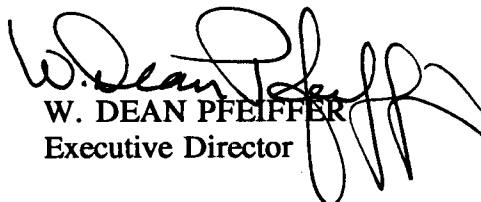
b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
JAMES R. EXNICIOS  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
W. DEAN PFEIFFER  
Executive Director